REGINA -v- SATPAL RAM
NAVINDER SINGH SHINJI

NOTE FOR THE JUDGE

1. The Defendants are both aged 21. Ram is accused of murdering Clarke Edward Pearce on the 16th November 1986 and Shinji with assisting Ram evade the Police following the attack.

2. The Scene:

The attack occurred inside The Sky Blue Restaurant Lozells Road, Lozells, Birmingham. Exhibit 1 is a plan of Lozells Road and The Sky Blue Restaurant. Exhibit 2 is a plan of the interior of the restaurant.

3. The Deceased

Clarke Edward Pearce was 22 years of age (d.o.b. 18.7.64). He was unmarried and lived with his mother at 41 Dovey Tower, Nechells, Birmingham. His fiancee was the witness Jacqueline Watson. He was a postman. He was 6'2" tall, muscular, and weighed 13½ stone.

4. The Accused

(a) Satpal Ram (d.o.b. 25.o.66). He was employed as a warehouseman in Handsworth. He is an Asian, dark skinned 5'11" tall with black collar length hair with a centre parting and a black moustache. See Exhibit 7 photo 1.

(b) Navinder Singh Shinji (d.o.b. 22.2.66) is of a similar build but his hair was "streaked". He lives at 41 Roland Road, Lozells and is employed on a Manpower Services Scheme.

5. The Background

(a) The deceased and 5 others went to the Restaurant in the early hours of the 16th November 1968 they were

Nadine O'Neill p.19 sister of deceased
Edward O'Neill p. 23 her husband
Jacqueline Watson p.26 deceased's fiancee
Sharon Badger p.29 friend of deceased
David Lea p.33 her boyfriend

They sat at table 10 see plan Exhibit 9 (p.7). The deceased sat with his back to the wall nearest the bar. Lea sat next to him and O'Neill beyond him. The 3 women sat opposite the men: Watson was opposite the deceased, Badger opposite Lea and O'Neill opposite her husband.

(b) Ram, Shinji and the witness Evelyn Rita Schneider p.73 sat at table 7. The two men sat with their backs to the window, Ram closest to the wall and Schneider sat facing them opposite Ram.

(c) The (independent) witnesses Mark Trace p.42 and Mark Stenion p.47 sat at table 1.

(d) The (independent) witness Alan Bishop p.37 sat at table 11.

(e) Other witnesses present were members of the restaurant staff

i.e. Shalim Ahmed: Cook p.51

Sultan Ahmed: Manager p.56

Ahad Miah: Waiter p.60

Abdul Mozomid: Waiter p.64

Ashger Rahman: Helper p.68

6. <u>The Attack</u>

The details of the events immediately preceding, during and following the attack vary from witness to witness. The salient facts are :-

(a) It is common ground that Indian music was being played in the restaurant and a dispute occurred between the deceased and Ram. The deceased asked for an English tape and Ram asked for the Indian music to be turned up. Derogatory and perhaps racial comments were made from the deceased's table.

(b) The deceased and Ram got to their feet and met and fought. Ram said "I'll kill you, you bastard" - Nadine O'Neill p.20. ~~He produced a knife~~. "I'm gonna cut you up " - S. Badger p.31 He produced a knife and repeatedly stabbed the deceased.

(c) Wine glasses were thrown

(d) Ram sustained a laceration to his left cheek

(e) Immediately following the stabbing Schneider took Ram to the toilet to attend to his injury. She put the knife down and does not know what happened to it thereafter. It has never been found.

(f) The deceased staggered to the doorway where he collapsed between the inner and outer doors.

(g) Shortly afterwards Ram, Schneider and Shinji left. As Ram went passed the prostrate body of the deceased he said "Is he dead ... well he's fucking gonna be" - Sharon Badger p.31. "I'm gonna kill you, you bastard" - David Lea p.34. "I hope I've killed him" - Mark Trace p.45

7. <u>The aftermath</u>

(a) The deceased was obviously gravely injured. Alan Bishop telephoned for an ambulance.

(b) Ram, Shinji and Schneider at the instigation of Shinji - see Schneider p.78 - took a series of backroads from the restaurant to Schneider's home address at 62 Ashwin Road Handsworth. This was done to avoid the Police. At the house it was decided that Ram needed medical treatment. Ram and Shinji therefore left together. They obtained a taxi ride from Soho Road, Handsworth - see Zaffter Iqubal p.134 - to West Bromwic h Hospital. Shinji paid the fare. At the

hospital Ram was seen by Dr. Smith p.139 at 4.05 am . Ram gave a false name was abusive and inebriated and could not be treated. At 5.30 am Ram agreed to be treated and had 3 sutures inserted into the laceration in his left cheek. Thereafter they obtained a lift in a taxi driven by Mr. Lincoln Dunkley p.137 to Archibald Road, Lozells. During the journey Mr. Dunkley heard words like "London" and "passport" and Shinji say "Don't forget to let me know when to pick you up". At Archibald Road, Shinji got out and the taxi then continued to Ashwin Road where Ram paid the fare.

(c) The deceased was taken to Birmingham General Hospital. Inspite of the efforts of Dr. Jeanne McGovern p. 101 he died and was certified dead at 4.23 am by Dr. Growson p.104.

(d) The post mortem was conducted by Dr. Norman Grower p.106. Death was due to

(a) haemorrhage

(b) penetrating wound of the chest. (Post mortem photographs <u>Exhibit 5</u>)

(e) Photographs were taken of the restaurant to show the scene <u>Exhibit 4</u>

(f) At about 8.30 am Inspector Ratcliffe p.122 and D.C. Whild p.113 found a trail of blood left by Ram as he fled the scene. They followed it. See Exhibit 3A (p.4) along a series of back streets to the junction of South Road and St. Michaels Hill where persistent rain destroyed the trail.

8. Arrests and Interviews

(a) Shinji surrendered himself at Steelhouse Lane police station on Sunday 16.11.86. He was interviewed (not under caution) Exhibit 15 (p.22) He admitted he was present at the stabbing but gave a false account of the route taken to Soho Road (p.46-47). A witness statement was also taken Exhibit 16 (p.52).

(b) Ram surrendered himself at Steelhouse Lane Police Station on Monday 24.11.86. He was arrested on suspicion of murder and interviewed Exhibit 18 (p.54). He admitted involvement but claimed he produced the knife in self defence and only stabbed out once.

(c) On the 9th December 1986 Shinji was seen by the Police by appointment at Bridge Street Police Station. He was interviewed Exhibit 19 (p.70). He admitted that he lied about the route taken from the restaurant following the stabbing but claimed he did so because he did not want to get involved (p.73). He denied suggesting they used the back streets (p.74). He said he accompanied Ram because he was worried about his loss of blood (p.75). He was charged with Count 2 on 29th January 1987.

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The Defence on behalf of each Defendant admit :-

1. The Plans Exhibits 1, 2, 3 and 3(a) and the facts marked thereon.

2. The photographs Exhibit 4 which were taken on the 16th November 1986 and the photographs Exhibit 7 which were taken on the 24th November 1986 and are of the Defendant Ram.

3. That the lighting inside The Sky Blue Restaurant at the time of the stabbing was subdued.

4. That the Police arrived at the restaurant at 2.40 a.m. on the 16th November 1986 following the stabbing.

5. That the ambulance arrived at 2.46 am and took Pearce direct to The General Hospital, Steelhouse Lane, Birmingham, where he arrived at 2.54 am.

6. That at the hospital Pearce was in shock and was extremely uncooperative with medical staff.

7. That Pearce died from his injuries at 4.23 am the same day.

8. That following his death samples of blood and urine were taken . These samples were analysed and showed

(a) Blood: 189 milligrammes of alcohol per 100 millilitres of blood. (Legal limit for driving is 80).

(b) Urine: 168 milligrammes of alcohol per 100 millilitres of urine (Legal limit for driving is 100).

9. That at 3.42 am the Police discovered a trail of blood leading from the restaurant into Wheeler Street. At 9.45 am the Police followed the trail of blood as far as the junction of South Road with St. Michael's Hill in accordance with the route shown on Exhibit 3 (a).

10. That the name Afzal Saleem and the d.o.b. 3.10.65 provided by Ram to Dr. Smith at Sandwell General Hospital, West Bromwich belongs to a friend of Ram's Called Mohammed Afzal Saleem, a refrigeration Engineer of 43 Holly Road, Handsworth.

11. That Ram surrendered himself at Steelhouse Lane Police Station, Birmingham at 4.05 pm on the 24th November 1986. He was arrested on suspicion of murder.

12. The murder weapon has never been found.